

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

168 <sup>TH</sup> & DODGE, L.P., et al.,	)	
	)	
Plaintiffs,	)	
	)	8:03CV171
vs.	)	
	)	ORDER
RAVE REVIEWS CINEMAS, LLC,	)	
	)	
Defendant.	)	

Defendant has filed a motion for modification of the current scheduling order (#367), seeking a three-week extension of existing deadlines and of the January 23, 2006 trial date. Plaintiffs object to continuing the trial. Defendant has not demonstrated good cause for any continuance—stating only that "Rave Reviews needs two weeks longer than Plaintiffs to enable it to respond to Plaintiffs' Sur-Reply Brief<sup>1</sup> ... and to prepare its deposition designations, witness lists and exhibit lists."

Since the plaintiffs advise (*see* #368) that they do not object to extending the deadline for serving pretrial disclosures to December 30, 2005, defendant's motion will be granted in that respect. At this time, however, the court's calendar cannot accommodate the request to continue trial, and the trial date will not be continued.

**IT IS ORDERED** that defendant's motion (#367) is granted in part, and denied in part, as follows:

1. All parties are given until December 30, 2005 to serve pretrial disclosures, including deposition designations, witness lists and exhibit lists.
2. The motion is denied in all other respects.

**DATED December 15, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**

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<sup>1</sup>While plaintiffs were given leave to file a surreply brief regarding defendant's pending Motion for Summary Judgment (*see* #362), defendant has not been given permission to file any response to the surreply brief. Permission is required under NECivR 7.1(c), which provides:

**Replying to Opposing Briefs and Evidence.** The moving party may file a reply brief and index of evidence no later than five (5) days after the nonmoving party files and serves the opposing brief. The reply brief may not merely repeat the moving party's initial arguments, but must address factual or legal issues raised in the opposing brief. **No further briefs or evidence may be filed without the court's leave.**

(Emphasis added).